

REMARKS

Claims 1-18 are pending in the present application. Independent claims 7 and 15 are canceled and claims 8, 16 and 18 are amended. Dependent claims 8 and 16 are amended into independent form including the content from canceled independent claims 7 and 15, respectively, and independent claim 18 is amended similarly to include the allowable subject matter of claims 8 and 16. Reconsideration of the claims is respectfully requested.

I. Allowable Subject Matter

The Office Action states that claims 3, 8, 11 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants wish to thank the Examiner for identifying this allowable subject matter. Claims 8 and 16 are amended as indicated and are now in condition for allowance. Additionally, independent claim 18 is amended to include the allowable subject matter of claims 8 and 16 and therefore, is also in condition for allowance.

II. 35 U.S.C. § 103, Alleged Obviousness Based on *Colosso* and *Hecksel*

The Office Action rejects claims 1-2, 4-6, 9-10, 12-14, and 17 under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Colosso* (U.S. Patent 6,169,976 B1) in view of *Hecksel et al.* (U.S. Patent 6,151,707), hereinafter referred to as *Hecksel*. This rejection is respectfully traversed.

As to independent claims 1, 9 and 17, the Office Action states:

As per claim 1,

Colosso ('976) discloses a method for updating a license period of a program; comprising:

a step of issuing a request to an index server for transmission of an index file if a determination made by said first determination step is false; (Column 9, lines 16-29)

a step of receiving the index file from said index server; (Column 11, lines 34-48; column 12 lines 19-37)

a step of issuing an authentication request to an authentication server with an address of the authentication server contained in said index file; (Column 13, lines 7-19)

a step of receiving authentication information from said authentication server; (Column 15, lines 19-25)

a second determination step of determining whether information indicative of success of authentication is contained in said authentication information; (Column 15, lines 45-60)

a step of updating the license period of said program if a determination made by said second determination step is true. (Column 16, lines 5-9)

Colosso ('976) does not specifically disclose a first determination step of determining whether a current date and time is within a license period of the program. Hecksel et al. ('707) discloses a first determination step of determining whether a current date and time is within a license period of the program.

(Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Colosso ('976) method with the Hecksel et al. ('707) method in order to determine the status of the license.

Claims 9 and 17 are in parallel with claim 1 and is rejected for at least the same reasons.

Office Action dated December 17, 2004, page 2.

Claim 1, which is representative of the other rejected independent claims 9 and 17 with regard to similarly recited subject matter, reads as follows:

1. A method for updating a license period of a program; comprising:
a first determination step of determining whether a current date and time is within a license period of the program;
a step of issuing a request to an index server for transmission of an index file if a determination made by said first determination step is false;
a step of receiving the index file from said index server;
a step of issuing an authentication request to an authentication server with an address of the authentication server contained in said index file;
a step of receiving authentication information from said authentication server;
a second determination step of determining whether information indicative of success of authentication is contained in said authentication information; and
a step of updating the license period of said program if a determination made by said second determination step is true. (emphasis added)

Neither *Colosso* nor *Hecksel*, either taken alone or in combination, teach or suggest issuing a request to an index server for transmission of an index file if a current date and time is not within a license period of a program and that the index file contains an address of an authentication server. Further, *Colosso* and *Hecksel* do not teach or suggest updating the license period of a program.

Colosso is directed to a method and apparatus for activating, installing, and regulating the use of licensed products. A customer licenses or buys a licensed product

from a distributor. The distributor registers information describing the customer, the licensed product, and other information about the transaction at a database maintained by the licensor, manufacturer, or developer of the licensed product. The licensor communicates information describing the transaction to the customer, and the distributor ships media containing the licensed product to the customer. The customer connects to the database through a server using a customer interface and requests the licensed product to be activated, providing the information that describes the transaction in its request. In response, the server of the licensor generates encrypted key information that uniquely identifies the customer, the licensed product, and a license level. The customer installs the licensed product and provides the key information during the installation process. The licensed product is then executed and the appropriate license level is enforced based on the key information. As stated in the Office Action, *Colosso* does not teach determining whether a current date is within a license period of the program. Additionally, *Colosso* does not teach issuing a request to an index server for transmission of an index file if a current date is not within a license period of the program and that the index file contains the address of an authentication server. To the contrary, *Colosso* teaches that a customer uses a customer interface to access a web application at an authentication server. Finally, *Colosso* does not teach or suggest updating a license period of a program. To the contrary, *Colosso* does not mention updating a license period of a program.

In the rejection of a step of issuing a request to an index server for transmission of an index file if a current date is not within a license period of the program, as recited in claims 1, 9 and 17, the Office Action refers to the following portions of *Colosso*:

To register the license or sale of the licensed product, the distributor 250 connects a client, such as the sales client 252, to the licensor 260. For example, the distributor 250 uses a Web browser, at the sales client 252, to connect to the licensor 260 over the Internet 318. When connected, the distributor 250 logs into a key site manager 262 located on the network system. The distributor 250 then enters information that identifies the customer 240 and the particular licensed product that was purchased by the customer. Using the customer and licensed product information, the key site manager 262 generates a customer account. The customer 240 is provided with access information that will allow them to access the key site manager 262 in order to activate the licensed product.

Colosso, column 9, lines 16-29.

This portion of *Colosso* teaches that the distributor uses a Web browser to connect and log into to the licensor, and then enter information that identifies the customer and the licensed product purchased by the customer. The licensor generates a customer account. The customer is provided access information (such as a user id and password) that will allow them to access the licensor to activate the licensed product. This access information is not an index file that contains an address to an authentication server, as recited in claims 1, 9 and 17. To the contrary, *Colosso* teaches the use of a customer interface for accessing a web application to access a licensor. Additionally, the customer does not receive the information based on a determination that a current date is not within a license period of the program, as recited in claims 1, 9 and 17.

In the rejection of a step of a step of updating the license period of said program if a determination made by said second determination step is true, as recited in claims 1, 9 and 17, the Office Action refers to the following portions of *Colosso*:

At step 762, as part of the installation process, the installation program stores both the installation and encrypted activation keys on the customer's machine. This step ensures that the activation key is available for use by the licensed product.

Colosso, column 16, lines 5-9.

This portion of *Colosso* only teaches that an installation key and an activation key are stored on a customer's machine. *Colosso* does not mention updating a license period of a program, as recited in claims 1, 9 and 17.

Hecksel is directed to a system and method for product registration. A configurable registration profile defines a number of configurable post-registration activity periods with corresponding activities to tailor presentation and collection of information after software installation. *Hecksel* is cited for allegedly teaching a first determination step of determining whether a current date and time is within a license period of the program. *Hecksel* does not mention license managcmcnt or a license period of a program. Further, *Hecksel* does not provide for the deficiencies of *Colosso*.

The Office Action refers to the following portion of *Hecksel* in the rejection of the step of determining whether a current date and time is within a license period of the program:

A method for registering a software program and performing post-registration activities includes initiating a registration session for the software program; identifying a matching software program; selecting registration information stored in a memory, the selected registration information provided by a user during a previous registration session for the matching software program; and proceeding with the registration session based on the selected registration information. In another embodiment, the method includes determining a current registration status of the software program based on a current date, a reference date, and a configurable post-registration activity period; and conducting the post-registration activity based on the status of the software program.

Hecksel, Abstract. (emphasis added)

Hecksel only teaches determining a current registration status of a software program based on a current date, a reference date, and a configurable post-registration activity period. *Hecksel*'s post-registration activity period is not equivalent to a license period. *Hecksel* does not mention licensing, license management or a license period. Thus, *Hecksel* does not teach a first determination step of determining whether a current date and time is within a license period of the program, as recited in claims 1, 9 and 17.

Neither *Colosso* nor *Hecksel*, either taken alone or in combination, teach or suggest the features of independent claims 1, 9 and 17. Therefore, *Colosso* and *Hecksel*, taken individually or in combination, do not teach or suggest the features of dependent claims 2, 4-6, 10 and 12-14 at least by virtue of their dependency on independent claims 1 and 9, respectively. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-2, 4-6, 9-10, 12-14, and 17 under 35 U.S.C. § 103(a).

In addition to the above, *Colosso* and *Hecksel*, either taken alone or in combination, do not teach the specific features recited in dependent claims 2 and 10. With respect to claims 2 and 10, *Colosso* and *Hecksel*, either taken alone or in combination, do not teach or suggest that the first determination step is performed upon activation of said program, and wherein said program becomes executable after updating said license period. As discussed above, *Colosso* and *Hecksel* do not teach or suggest a first determination step of determining whether a current date and time is within a license period of the program. Therefore, *Colosso* and *Hecksel* do not teach that the step is performed upon activation of the program. Additionally, neither reference teaches updating a license period. Claims 4-6 and 12-14 recite other features which, when taken in combination with claims 1 and 9, are not taught or suggested by *Colosso* and *Hecksel*.

III. 35 U.S.C. § 103, Alleged Obviousness Based on Colosso

The Office Action rejects claims 7, 15 and 18 under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Colosso* (U.S. Patent 6,169,976 B1). This rejection is respectfully traversed.

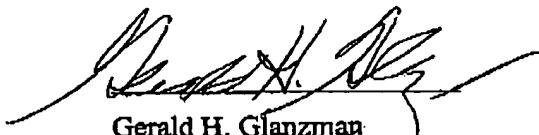
Independent claims 7 and 15 are canceled. Dependent claims 8 and 16 contain allowable subject matter and are amended into independent form including the content from canceled independent claims 7 and 15, respectively. Independent claim 18 is amended similarly to include the allowable subject matter, as recited in claims 8 and 16. Thus, claim 18 is now in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 7, 15 and 18 under 35 U.S.C. § 103(a).

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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